IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

W.P.NO.1552 OF 2006

Abdul Sattar Abdul Latif Nakhwa ..Petitioner

Vs.

The State of Maharashtra and Ors. ..Respondents

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Mrs.Shakuntala Mudbidri Advocate for Petitioner
Mr.V.Phal AGP for Respondents

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CORAM: F.I.REBELLO AND SMT.V.K.TAHILRAMANI,JJ.
DATE : JULY 7, 2006

P.C.

1. The Petitioner has approached this Court on the ground that he is in possession of certain premises and that petitioner has been forcibly dispossessed by the Respondents. On behalf of Respondents, a reply has been filed by Mr. Ravindra Sitaram Vanmali, Deputy Chief Officer. In paragraph 3 of the said affidavit, it is set out that Petitioner by affidavit dated 7.8.1986 applied for reconstruction on 10.1.2002. Copy of the Agreement between the petitioner and aforesaid Mohammed Salim Shaikh has

also been annexed along with Ration Card which mentions that M.A.Shaikh did not come to make payment and that is pending. Thereafter, one more application was received on 21.4.2004 from one Tabbasum Sayed claiming to be the daughter of the petitioner annexing Ration Card. A meeting was called by the respondents of the petitioner, said M.S.Shaikh and Tabbasum Sayed on 5.10.2004. It is contended that in the said meeting it was concluded that the petitioner had sold the premises to three different persons and does not reside therein. Thereafter, transit camp office conducted a surprise check of the premises on 17.3.2006 and found one Ms. Najmunissa Altaf Shaikh was in possession of that accommodation. That person informed the officers of the Respondent-authority that she was staying there and petitioner was staying at Kurla.

2. In reply, the Petitioner has filed Affidavit with bare denial of the allegations set out therein. The signature on the document has not been denied nor on the affidavit. Copy of sale deed has also been annexed. The petitioner has not denied his signature on this sale deed.

3. We are clearly of the opinion that petitioner approached this Court by suppressing material facts and has invoked the extra ordinary jurisdiction. In our opinion, this is not a fit case to exercise our extra ordinary jurisdiction. Hence, Petition is dismissed with costs quantified at Rs.5,000/- in favour of Respondent No.4.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]